

REMARKS

The Claims

Claims 1-6, 8-18, and 20 are pending in this application. Claim 7 is cancelled. No new matter is added by the amendments to Claims 1 and 17.

The Rejections

35 USC 102(b): Claims 1-4, 6-8, 11, 13-15, and 17-18

The Examiner rejected Claims 1-4, 6-8, 11, 13-15, and 17-18 under 35 USC 102(b) as being anticipated by US 5,271,707 (Derksen et al.).

Claim 1 of the present application has been amended to include the following feature: “a brace member adapted to be connected to the arm intermediate of the length thereof at one end of the brace member and to the vehicle at another end of the brace member.”

The Applicant believes that Derksen et al. neither shows nor describes all of the features of the Applicant’s claimed ground cover removal attachment as set forth in Claim 1. In particular, Derksen et al. does not show or describe a brace member as now set forth in Claim 1. In explaining the basis for this rejection, the Examiner compares the curved jointed swing assembly (30) of Derksen et al. to the Applicant’s claimed brace member. The Examiner is directed to the text of Derksen et al. at column 4, lines 26-39, where it is stated that a mast (3) pivotally supports the proximal end of boom (4). Rotation of the mast is achieved via the curved jointed swing assembly (30) which rotatably couples the mast to a base (1) mounted to the vehicle (2). Therefore, curved jointed swing assembly (30) in effect forms part of the coupling required to mount the end of the mast (3) on the vehicle (2). Accordingly, swing assembly (30) is not “adapted to be connected to the arm intermediate of the length thereof”, as required by amended claim 1. Nor is it “connected to the arm intermediate of the length thereof” as set forth in Claim 17 as amended. For at least this reason Derksen et al. does not anticipate the Applicant’s ground cover

removal attachment as claimed in Claim 1 or the Applicant's claimed vehicle as claimed in Claim 17.

It should also be noted that the purpose of the brace member of the Applicant's claimed ground cover removal attachment and the claimed vehicle is to hold the arm in it deployed position and to prevent the arm from being deflected and striking the vehicle as the vehicle moves forward to fold the ground cover. The curved jointed swing assembly (30) used in the Derksen et al. apparatus is not capable of performing the same function as the Applicant's claimed brace member. The Examiner is directed to the text at column 1, lines 56-59 of Derksen et al. where in summarizing the invention, it is stated that the "invention provides an aerial lift for a handicapped person. The lift is generally mounted on and transported by a mobile vehicle to be operated by the handicapped person." Derksen et al. then describes that the complete lift may be stored within the confines of the vehicle for the purpose of transportation (see, column 2, lines 60-62, of Derksen et al.). In other words, it is unlikely that the lift platform of Derksen et al. is to be transported while it is in its extended position. Therefore, the lift platform in Derksen et al. will not be susceptible to the same deflection issue that arises with the Applicant's claimed removal attachment. Therefore, there is no motivation for employing a brace member for the purposes of preventing the platform from being deflected while the vehicle moves forward.

Furthermore, Derksen et al. aims at providing a system that increases the mobility of a handicapped person. The lift platform therefore, needs to be controlled by the handicapped person. A hydraulic system is employed to enable electrical control of the positioning of the lift platform which in turn enables remote or manual control of the platform by the handicapped person. The rotational position of the mast (3) is controlled by a swing cylinder (8) and therefore, does not require an additional brace member for holding the mast (3) or boom (4) in position. For that reason also, Derksen et al. does not provide motivation to employ a brace member in the apparatus shown and described in that reference.

In fact, Derksen et al. teaches away from having a brace member connected to the boom (4)

intermediate of the length of the boom because it is an object of the apparatus described in Derksen et al. to provide a lift that can be easily manipulated manually or remotely. That objective is achieved by having an electronically controlled hydraulic system. Employing a brace member would restrict the manipulation of the lift and would make manual manipulation (especially while the user is on the platform) difficult and remote manipulation almost impossible for the user.

The Applicant therefore submits that amended Claim 1 is novel and inventive over Derksen et al. for all the reasons discussed above. Claims 2-4, 6, 8, 11, 14, and 15 depend from Claim 1 either directly or indirectly and thus, each of those claims includes all of the features of Claim 1. Therefore, the Applicant's claimed cover removal attachment as set forth in any of Claims 2-4, 6, 8, 11, 14, and 15 is novel and inventive over Derksen et al. for at least the same reasons as Claim 1.

Claim 17 has been amended to include a brace member having the same features as the brace member recited in Claim 1 as part of the claimed combination. Therefore, the Applicant submits that Claim 17 is also novel and inventive over Derksen et al. for the reasons discussed above relative to Claim 1. Claim 18 depends from Claim 17 and thus, includes all of the features of Claim 17. Therefore, Claim 18 is novel and inventive over Derksen et al. for at least the same reasons as Claim 17.

With regard to Claim 13, the Examiner once again compares the brace member of the Applicant's claimed arm to the curved jointed swing assembly (30) of the Derksen et al. apparatus. The brace member of the Applicant's claimed ground cover removal arm as set forth in Claim 13 is adapted to extend between the arm and the vehicle at a spaced mounting point on the vehicle to that of the arm on the vehicle. As shown in Figure 4 of Derksen et al. and described therein, the pivot pin (66), which connects the curved jointed swing assembly (30) to the base (1) is located immediately adjacent to the mast (3). Therefore, swing assembly (30) is not mounted to the vehicle at a spaced mounting point relative to either mast (3) or boom (4) of the Derksen et al. lift apparatus. For this reason, Claim 13 is not anticipated by Derksen et al.

35 USC 103(a): Claim 9

The Examiner rejected Claim 9 as being unpatentable under 35 USC 103(a) over Derksen et al. In making this rejection the Examiner asserted that Derksen et al. teaches all of the features of the Applicant's claimed ground cover removal attachment as set forth in Claim 9. Claim 9 depends from Claim 1 and thus, includes all of the features of Claim 1. Therefore, Claim 9 is novel and nonobvious relative to Derksen et al. for at least the same reasons as Claim 1.

35 USC 103(a): Claim 5

The Examiner rejected Claim 5 as being unpatentable under 35 USC 103(a) over Derksen et al. in combination with US 4,630,986 (Taylor). Claim 5 depends from Claim 1 and thus, includes all of the features of Claim 1. Therefore, Claim 5 is novel relative to Derksen et al. for at least the same reasons as Claim 1. The Examiner has not explained how Taylor teaches or suggests a brace member as set forth in Claim 1. In the absence of such explanation, the proposed combination of Derksen et al. and Taylor does not appear to have all of the features of the Applicant's claimed ground cover removal attachment as set forth in Claim 5. Accordingly, the proposed combination fails to present a *prima facie* case of unpatentability relative to Claim 5.

35 USC 103(a): Claims 10, 16, and 20

The Examiner rejected Claims 10, 16, and 20 as being unpatentable under 35 USC 103(a) over Derksen et al. in combination with US 2003/0235490 (Dale et al.). Claims 10, 16, and 20 depend from Claim 1 either directly or indirectly and thus, each includes all of the features of Claim 1. Therefore, Claims 10, 16, and 20 are novel relative to Derksen et al. for at least the same reasons as Claim 1. The Examiner has not explained how Dale et al. teaches or suggests a brace member as set forth in Claim 1. In the absence of such explanation, the proposed combination of Derksen et al. and Dale et al. does not appear to have all of the features of the Applicant's claimed ground cover removal attachment as set forth in any of Claims 10, 16, or 20. Accordingly, the proposed combination fails to present a *prima facie* case of unpatentability relative to any of Claims 10, 16, and 20.

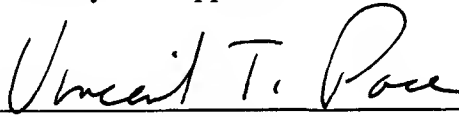
35 USC 103(a): Claim 12

The Examiner rejected Claim 12 as being unpatentable under 35 USC 103(a) over Derksen et al. in combination with US 4,525,417 (Dimigen et al.). Claim 12 depends from Claim 1 and thus, includes all of the features of Claim 1. Therefore, Claim 12 is novel relative to Derksen et al. for at least the same reasons as Claim 1. The Examiner has not explained how Dimigen et al. teaches or suggests a brace member as set forth in Claim 1. In the absence of such explanation, the proposed combination of Derksen et al. and Dimigen et al. would not appear to have all of the features of the Applicant's claimed ground cover removal attachment as set forth in Claim 12. Accordingly, the proposed combination fails to present a *prima facie* case of unpatentability relative to Claim 12.

CONCLUSION

In view of the foregoing amendments and remarks, it is believed that the claims of this application are in condition for allowance. The Examiner is respectfully requested to reconsider the application in the light of the amendments and the remarks presented herein.

Respectfully submitted,
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